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मध्यप्रदेश राजपत्र

(असाधारण)

प्राधिकार से प्रकाशित

क्रमांक 363]

भोपाल, गुरुवार, दिनांक 26 दिसम्बर 2024—पौष 5, शक 1946

विधि और विधायी कार्य विभाग

भोपाल, दिनांक 26 दिसम्बर 2024

क्र.-18735-230-इक्कीस-अ(प्रा.)- भारत के संविधान के अनुच्छेद 348 के खण्ड (3) के अनुसरण में, मध्यप्रदेश जन विश्वास (उपबंधों का संशोधन) विधेयक, 2024 (क्रमांक 25 सन् 2024) का अंग्रेजी अनुवाद राज्यपाल के प्राधिकार से एतद्वारा प्रकाशित किया जाता है.

मध्यप्रदेश के राज्यपाल के नाम से तथा आदेशानुसार,
आर. पी. गुप्ता, अवर सचिव.

MADHYA PRADESH BILL**No. 25 OF 2024****THE MADHYA PRADESH JAN VISHWAS
(AMENDMENT OF PROVISIONS) BILL, 2024**

A Bill to amend certain enactments for decriminalising and rationalising offences and to further enhance trust- based governance for ease of living and doing business.

Be it enacted by the Madhya Pradesh Legislature in the seventy-fifth year of the Republic of India as follows :-

**1. Short title
and
commencement.**

(1) This Act may be called the Madhya Pradesh Jan Vishwas (Amendment of Provisions) Act, 2024.

(2) It shall come into force on such date as the Government of Madhya Pradesh may, by notification in the Official Gazette, appoint; and different dates may be appointed for amendments relating to different enactments mentioned in the Schedule.

**2. Amendment
of certain
enactments.**

The enactments mentioned in column (4) of the Schedule are hereby amended to the extent and in the manner mentioned in column (5) thereof.

3. Savings.

The amendment or repeal by this Act of any enactment shall not affect any other enactment in which the amended or repealed enactment has been applied, incorporated or referred to;

and this Act shall not affect the validity, invalidity, effect or consequences of anything already done or suffered, or any right, title, obligation or liability already acquired, accrued or incurred or any remedy or proceeding in respect thereof, or any release or discharge of, or from any debt, penalty, obligation, liability, claim or demand, or any indemnity already granted, or the proof of any past act or thing;

nor shall this Act affect any principle or rule of law, or established jurisdiction, form or course of pleading, practice or procedure, or existing usage, custom, privilege, restriction, exemption, office or appointment, notwithstanding that the same respectively may have been in any manner affirmed, or recognised or derived by, in or from any enactment hereby amended or repealed;

nor shall the amendment or repeal by this Act of any enactment revive or restore any jurisdiction, office, custom, liability, right, title, privilege, restriction, exemption, usage, practice, procedure or other matter or thing not now existing or in force.

THE SCHEDULE

(See Section)

Sl. No.	Year	No.	Short Title	Amendments
(1)	(2)	(3)	(4)	(5)
1.	2012	17	Madhya Pradesh Vidyut Shulk Adhiniyam, 2012	In Section 11, for the words "he shall be punishable with fine which may extend to five thousand rupees", the words "then he shall be imposed with a penalty of rupees five thousand", shall be substituted.
2.	2003	9	Madhya Pradesh Asangathit Karmkar Kalyan Adhiniyam, 2003	<p>(1) After Section 36, the following Section shall be inserted in Chapter VII, namely:-</p> <p>"36-A. Composition of offence.-(1) An officer not below the rank of Labour Officer, if so authorized by the Labour Commissioner by notification, may either before or after the institution of proceedings under this Act, permit any person charged with an offence to breach of Sections 35 and 36 of this Act to compound the offence on payment of such sum as may be prescribed by the said notification.</p> <p>(2) On payment of amount of any contribution, duty, tax, cess and legal dues towards the employee under the Act, if any, and on payment of such amount of compounding, as provided under sub-section (1) by the authorized officer, -</p> <p>(a) the offender shall not be liable to any prosecution; and</p> <p>(b) if any such proceeding has already been instituted against any person as aforesaid, such person shall be discharged of such proceeding."</p>
3.	1961	17	Madhya Pradesh Cooperative Societies Act, 1960	<p>(1) In Section 59-A, for sub-section (2), the Following sub-section shall be substituted, namely:-</p> <p>"(2) If any such person refuses to produce before the Registrar or any person authorized by him under sub-section (1) of Section 59 any book or papers which it is his duty under sub-section (1) to produce or to answer any question which is put to him by the Registrar or the person authorized by the Registrar in pursuance of sub-section (1). the Registrar or the person authorised by the Registrar may certify the refusal and the Registrar may, after hearing, any statement which may be offered in defense impose a penalty not exceeding fifty thousand rupees to the defaulter."</p>

(1)	(2)	(3)	(4)	(5)
				<p>(2) In Section 72-B, sub-section (2) shall be omitted.</p> <p>(3) In Chapter IX, for the existing Chapter heading, the following Chapter heading shall be substituted, namely :-</p> <p>“OFFENCES, IRREGULARITIES, PUNISHMENTS AND PENALTIES”.</p> <p>(4) For Section 74, the following section shall be substituted, namely: -</p> <p>“74. Offences.- It shall be an offence under this Act, if-</p> <p>(a) a Board of Directors or an officer or member thereof willfully makes a false report or furnishes false information or dishonestly fails to maintain accounts or dishonestly maintains false accounts; or</p> <p>(b) any officer of a society willfully recommends or sanctions for his own personal use or benefit or for the use or benefit of a person in whom he is interested loan in the name of any other person; or</p> <p>(c) an officer or any member destroys, mutilates, alters, falsifies or secretes or is privy to the destruction, mutilation, alteration, falsification or secreting of any books, papers or securities, or makes or is privy to the making of any false or fraudulent entry in any register, book of account or document belonging to the society; or</p> <p>(d) a member fraudulently disposes of property over which the society has a prior claim or a member or officer or employee or any person disposes of his property by sale, transfer, mortgage, gift or otherwise with the fraudulent intention of evading the dues of the society; or</p> <p>(e) whoever, before, during or after the election of members of the Board of Directors or office bearers adopts any corrupt practice; or</p> <p>(f) an officer willfully fails to hand over custody of books, records, cash, security and other property belonging to the society of which he is an officer, to a person appointed under section 53 or 70.</p> <p>Explanation.-For the purposes of this section an officer or a member referred to in this section shall include past officer or past member, as the case may be.”.</p>

(1)	(2)	(3)	(4)	(5)
				<p>(5) After Section 74, the following new section shall be inserted, namely: -</p> <p>“74-A. Irregularities.—It shall be an Irregularity under this Act, if-</p> <p>(a) any person collecting share money for a society information does not deposit the same in the Madhya Pradesh State Co-operative Bank Limited, a Central Co-operative Bank, an Urban Co-operative Bank or a Postal Savings Bank, within fourteen days of its receipt; or</p> <p>(b) a person collecting the share money for a society information makes use of the funds so raised for conducting any business or trading in the name of a society to be registered or otherwise; or</p> <p>(c) an officer or a member who is in possession of information, books and records, willfully fails to furnish such information or produce such books and papers or does not give assistance to a person appointed or authorised by the Registrar under sections 53, 58, 59, 60, 67 and 70; or</p> <p>(d) any employer and other director, manager, secretary or other officer or agent acting on behalf of such employer who, without sufficient cause, fails to comply with provisions of sub-section (2) of Section 42; or</p> <p>(e) any person acquires or abets in the acquisition of any property which is subject to a charge under sub-section (1) of Section 40; or</p> <p>(f) an officer or member of a society or any person does any act in contravention of the rules; or</p> <p>(g) any person willfully or without any reasonable excuse disobeying any summons, requisition or lawful written order issued under the provisions of the Act; or</p> <p>(h) any employer who without sufficient cause, fails to pay to a Co- operative society the amount deducted by him from its employee within a period of fourteen days from the date on which such deduction is made.</p> <p>Explanation.—For the purposes of this section an officer or a member referred to in this section shall include past officer or past member, as the case may be.”.</p>

(1)	(2)	(3)	(4)	(5)
				<p>(6) For Section 75, the following Section shall be substituted namely:-</p> <p>“75.Punishment for offences.—Every Board of Directors, officer or past officer or member or past member or an employee or past employee of a society or any other person shall, without prejudice to any action that may be taken against him under any law for the time being in force, be liable to be punished with fine not exceeding Rs. 50,000/- provided that he is convicted of any offence mentioned in Section 74.”.</p> <p>(7) After Section 75, the following new section shall be inserted, namely:-</p> <p>“75-A. Penalties for Irregularities.-Every Board of Directors, officer or past officer or member or past member or an employee or past employee of a society or any other person shall, without prejudice to any action that may be taken against him under any law for the time being in force, be lable to be penalized by the Registrar with a penalty not exceeding Rs. 25,000/- for any irregularity mentioned in Section 74-A.”.</p>
4.	1960	27	Madhya Pradesh Industrial Relations Act, 1960	<p>(1) After Section 93, the following Section shall be added in Chapter XIV; namely:-</p> <p>“93-A.Composition of offence —(1) An officer not be low the rank of Labour Officer, if so authorised by the Labour Commissioner by notification, may either before or after the institution of proceedings under this Act, permit any person charged with an offence to breach of Sections 86, 87, 88, 89, 90, 91, 92 and 93 of this Act to compound the offence on payment of such sum as may be prescribed by the said notification.</p> <p>(2) On payment of amount of any legal dues towards the employee under the Act, if any, and on payment of such amount of compounding, as provided under sub-section (1) by the authorized officer,-</p> <p>(a) the offender shall not be liable to any prosecution; and</p>

(1)	(2)	(3)	(4)	(5)
				(b) if any such proceeding has already been instituted against any person as aforesaid, such person shall be discharged of such proceeding.”.
5.	1956	23	Madhya Pradesh Municipal Corporation Act, 1956	<p>(1) In Sections 165, 166, 302, 332, 344, 345, 346, 346-A, for the word "fine", the word "penalty" shall be substituted.</p> <p>(2) Section 170 and 171 shall be omitted.</p> <p>(3) In Section 200, for the word "fine", the word "penalty" and for the word "five hundred" the word "five thousand" shall be substituted.</p> <p>(4) For Section 201, the following Section shall be substituted, namely:-</p> <p>“201. Making or altering drains without authority.- Whoever, without the permission of the Commissioner makes or causes to be made, or alters or causes to be altered, any drain, leading into any of the drains vested in the Corporation shall be punished with penalty which may extend to five Thousand rupees and shall pay any expense which may be incurred in restoring the same.”.</p> <p>(5) In Section 236, in sub- section (2), for the word "fine", the word "penalty" and for the word "five hundred" the word "five thousand" shall be substituted.</p> <p>(6) In Section 334, for the word "fine", the word "penalty" and for the word "five hundred" the word "five thousand" shall be substituted.</p> <p>(7) For Section 335, the following section shall be substituted, namely:-</p> <p>“335. Bill-sticking without permission.- (1) Whoever, without the consent of the owner or occupier or other person for the time being in charge of any property affixed or causes to be affixed any poster, bill, notice, placard or other paper or means. of advertisement against or upon any street, building, wall, tree, board, fence or pole or writes upon soils, defaces or marks any such building, wall, tree, board, fence or pole with chalk or paint or in any other way whatsoever, shall be punishable with penalty which may</p>

(1)	(2)	(3)	(4)	(5)
				<p>extend to Two Thousand rupees. For purposes of this sub-section, the commissioner may presume, until the contrary is proved, that the bill, notice, placard or other paper or means of advertisement has been exhibited or affixed by the person for whose benefits such advertisement is made.</p> <p>(2) Notwithstanding anything contained in sub-section (1), the Commissioner may by public notice prohibit the use of any building or part of a building, wall, tree, board, fence or pale in any specified locality or a street without his permission.</p> <p>No person shall after such public notice make use of any building, wall, tree, board, fence or pale without his permission or in contravention of such permission.</p> <p>Whoever, without the permission or in contravention of permission of the Commissioner, uses any building, wall, tree, board, fence or pale, shall be punishable with penalty which may extend to two thousand rupees, or in case of a second or subsequent breach to Five Thousand Rupees.</p> <p>(8) In Section 343, for the word "fine", the word "penalty", for the word "five hundred" the word "five thousand" and for the word "fifty" the word "hundred" shall be substituted.</p> <p>(9) For Section 428, the following section shall be substituted namely:-</p> <p>“428. Penalties for breach of byelaws.-</p> <p>(1) In making a byelaw under Section 427, the Corporation may provide that a breach or any abatement of a breach of it shall be punishable-</p> <p>(a) with penalty may extend to five thousand rupees and in the case of a continuing breach, with penalty which may extend to one hundred rupees for each day during which the breach continues after imposing the penalty for the first breach; or</p>

(1)	(2)	(3)	(4)	(5)
				<p>(b) with penalty which may extend to ten rupees for every day during which the breach continues after receipt of written notice from the Commissioner to discontinue the breach.</p> <p>(2) In lieu of or in addition to such penalty, the Commissioner may require the person to remedy the mischief so far as in his power.”.</p> <p>(10) In Section 434, for the word "fine" the word "penalty" shall be substituted and for sub-section (2), the following sub- section shall be substituted, namely:-</p> <p>“(2) Whoever after having been punished of any offence under clause (a) or (b) of sub-section (1), continues to commit such offence shall be punished for each day after the first during which he continues so to commit offence, with penalty which may extend to the amount mentioned in the fourth column of the said table.”.</p>
6.	1961	37	Madhya Pradesh Municipalities Act, 1961	<p>(1) In Section 145 and 228, for the word "fine", the word "penalty" shall be substituted.</p> <p>(2) In Section 179, for the word "fine", the word "penalty" and for the word "five hundred" the word "five thousand" shall be substituted.</p> <p>(3) In Section 182, for the word "fine", the word "penalty" and for the word "five hundred" the word "five thousand" shall be substituted.</p> <p>(4) In Section 185, for the word "fine" the word "penalty", for the word "twenty five" the word "five hundred" and for the word "ten", the word "fifty" shall be substituted.</p> <p>(5) In Section 187, for the word "fine", the word "penalty" and for the word "one thousand" the word "five thousand" shall be substituted.</p> <p>(6) In Section 194, for the word "fine" the word "penalty", for the word "two hundred and fifty" the word "two thousand" and for the word "five", the word "fifty" shall be substituted.</p> <p>(7) In Section 198, for the word "fine", the word "penalty" and for the word "twenty five" the word "two hundred and fifty" shall be substituted.</p>

(1)	(2)	(3)	(4)	(5)
				(8) In Section 212, for the word "fine", the word "penalty" and for the word "twenty five" the word "two hundred and fifty" shall be substituted.
				(9) In Section 222 , for the word "fine", the word "penalty" and for the word "one hundred" the word "one thousand" shall be substituted,
				(10) In Section 224 for the word "fine" the word "penalty", for the word "fifty" the word "five hundred" and for the word "ten", the word "fifty" shall be substituted.
				(11) In Section, 225 for the word "fine", the word "penalty" and for the word "fifty" the word "five hundred" shall be substituted.
				(12) In Section 226, for the word "fine" the word "penalty", for the word "twenty five" the word "two hundred and fifty" and for the word "ten", the word "fifty" shall be substituted.
				(13) In Section 239, for the word "fine", the word "penalty" and for the word "twenty five" the word "two hundred and fifty" shall be substituted.
				(14) In Section 240, for the word "fine" the word "penalty", for the word "fifty" the word "five hundred" and for the word "five", the word "fifty" shall be substituted.
				(15) In Section 242, for the word "fine" the word "penalty", for the word "twenty five" the word "two hundred and fifty" and for the word "five", the word "fifty" shall be substituted.
				(16) In Section 255, for the word "fine" the word "penalty", for the word "fifty" the word "five hundred" and for the word "five hundred", the word "two thousand" shall be substituted.
				(17) In sub-section (2) of Section 260, for the word "fine", the word "penalty" and for the word "fifty" the word "five hundred" shall be substituted.
				(18) for sub-section (3) of Section 260, the following sub- section shall be substituted, namely:-

(1)	(2)	(3)	(4)	(5)
				<p>“(3) Upon a violation being obtained in respect of any place under sub-section (2), the Chief Municipal Officer or any officer authorized by him but not otherwise, order such place to be closed, and there upon appoint persons or take other steps to prevent such place being so used and every persons or take other steps to prevent such place after it has been so ordered to be closed shall be punished with penalty which may extend to fifty rupees for each day during which he continues so to use, or permits such use of the place after it has been so ordered to be closed.”.</p> <p>(19)In sub-section (5) of Section 268, for the word "fine", the word "penalty" and for the word "fifty" the words "five hundred" shall be substituted.</p> <p>(20) for sub-section (6) of Section 268, the following sub- section shall be substituted, namely:-</p> <p>“(6) Upon a Violation being obtained in respect of any place under sub-section (5) the Chief Municipal Officer or any officer authorized by him but not otherwise order such place to be closed and thereupon appoint person or take other steps to prevent such place being so used and every person who so uses or permits the use of a place after it has been so ordered to be closed, shall be punishable with penalty which may extend to fifty rupees for each day during which he continues so to use, or permits such use of, the place after it has been so ordered to be closed.”.</p> <p>(21)In Section 272, for the word "fine", the word "penalty", for the word "fifty" the word "five hundred" and for the word "ten" the word "fifty" shall be substituted.</p> <p>(22)For sub-section (4) of Section 272, the following sub-section shall be substituted,namely:-</p> <p>“(4) Upon a violation being obtained in respect of any place under sub-section(3),the Chief Municipal Officer or any other officer authorized</p>

(1)	(2)	(3)	(4)	(5)
				<p>by him but not otherwise, order such place to be closed and thereupon, appoint persons or take other steps to prevent such place being so used.”.</p> <p>(23) For sub-section (2) of Section 283, the following sub- section shall be substituted, namely:-</p> <p>“(2) Whoever, after notice has been given under sub-section(1), uses any building or place or permits it to be used in such a manner as to be a nuisance to the neighborhood or dangerous to life, health or property, shall be punished with penalty which may extend to two hundred rupees and with further penalty which may extend to five hundred rupees and with penalty which may extend to fifty rupees for every day on which such use or permission of use is continued after the date of first violation.”.</p> <p>(24) For sub-section (4) of Section 283, the following sub- section shall be substituted, namely:-</p> <p>“(4) Whoever uses without a license, or during the suspension or after the withdrawal of a license, any place for any purpose mentioned in sub-section (1) in any Municipality in which bye-laws are for the time being in force prescribing the conditions on or subject to which, the circumstances in which, and the areas or locality in respect of which license for such use may be granted, refused suspended or withdrawn, shall be punished with penalty which may extend to five hundred rupees and with further penalty which may extend to fifty rupees for every day on which such use is continued after the date of first violation.”.</p> <p>(25) In Section 285, for the word "fine", the word "penalty", and for the word "fifty" the word "five hundred" shall be substituted.</p> <p>(26) In Section 300, for the word "Magistrate", the words "Chief Municipal Officer", for the word "fine", the word "penalty" and for the word "fifty" the word "five hundred" shall be substituted.</p>

(1)	(2)	(3)	(4)	(5)
7	1973	23	Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973	In Section 77, sub-section (2) shall be omitted.
8	1973	44	Madhya Pradesh Society Registrikaran Adhiniyam, 1973 (State Act)	<p>After Section 39, the following new Section shall be inserted, namely:-</p> <p>“ 39-A. Composition of offence. (1) In the event of a contravention of sub-section (4) of Section 16, Section 38, and Section 39 of this Act, the Registrar may, upon payment of a sum of two thousand five hundred rupees by the defaulting society/office bearer/person, permit the compounding of the said contravention under the aforementioned sections.</p> <p>(2) On payment of the compounding amount as specified under sub-section (1), the defaulting society/office bearer/ person shall be absolved of the said contravention under the aforementioned sections and shall not be liable for prosecution.”.</p>

STATEMENT OF OBJECTS AND REASONS

The State aims to foster trust-based governance, reduce compliance burdens, and enhance ease of living and doing business by decriminalizing minor offences and rationalizing offences across various State Acts. In view of the above, amendments are being proposed in certain provisions of the following Acts to decriminalize minor offences and rationalize the penalty amount.

2. Amendments are being introduced to substitute “fine” with “penalty” in certain provisions, omit certain provisions, and introduce compounding provisions in certain provisions.

3. This Bill aims to streamline regulations to attract investments, improve administrative efficiency, and ensure fair and transparent framework for penalties, contributing to sustainable development, entrepreneurship, and a business-friendly environment in the State of Madhya Pradesh.

4. To facilitate the ease of living and doing business by decriminalizing minor offences and rationalizing offences, suitable amendments are proposed in the following Acts:-

- (1) Madhya Pradesh Municipal Corporation Act, 1956 (No. 23 of 1956)
- (2) Madhya Pradesh Municipalities Act, 1961 (No. 37 of 1961)
- (3) Madhya Pradesh Nagar Tatha Gram Nivesh Adhiniyam, 1973 (No. 23 of 1973)
- (4) Madhya Pradesh Vidyut Shulk Adhiniyam, 2012 (No. 17 of 2012)
- (5) Madhya Pradesh Co-operative Societies Act, 1960 (No. 17 of 1961)
- (6) Madhya Pradesh Asangathit Karmkar Kalyan Adhiniyam, 2003 (No. 9 of 2003)
- (7) Madhya Pradesh Industrial Relations Act, 1960 (No. 27 of 1960)
- (8) Madhya Pradesh Society Registrikaran Adhiniyam, 1973 (No. 44 of 1973).

5. Therefore, the Madhya Pradesh Jan Vishwas (Amendment of Provision) Bill, 2024 is being proposed.

6. Hence this Bill.

BHOPAL :

DATED, THE 12th DECEMBER 2024

DILIP AHIRWAR

Member-in-Charge.